

IV. AMENDMENTS TO THE DRAWINGS

--- Replacement and annotated mark-up drawing sheets for amended figures showing the amended figures, if any, are attached at the Appendix hereto. Each figure is in compliance with 37 C.F.R. § 1.84. An explanation of the changes, if any, is set forth below in this “Amendments to the Drawings” section. Replacement drawing sheets are identified in the top margin as “Replacement Sheet.” Any replacement drawing sheet including amended figures includes all of the figures appearing on the immediate prior version of the sheet. Any annotated drawing sheets, if the same are required by the Examiner, are identified in the top margin as “Annotated Marked-Up Drawings.” Any deleted figure is noted by an instruction to delete the figure. Any corresponding amendment to the specification necessary to be made because of an amendment to the drawings in this section is made in the corresponding “Amendments to Specification” section.

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:
 - *No Drawings are Present in this Application*
 - *Attachments: None*

V. REMARKS/ARGUMENTS

- STATUS OF THE CLAIMS

Claim 21 has been has been amended.

- REJECTIONS

- REJECTION UNDER 35 U.S.C. §103(a)

Applicants herein address the Examiner's 103(a) rejections with respect to the claims as set forth in the Examiner's Office Action.

- Examiner's Position

The Examiner has rejected claim 21 under 35 U.S.C. 103(a) as being unpatentable over "Western Communion Hosts" in view of Salza (U.S. Patent No. 3,836,680) and in view of Zimmermann (U.S. Patent No. 4,042,719).

The Examiner asserts that "Western Communion Hosts" discloses an altar bread recipe that is made using a 50/50 mixture of whole wheat flour and unbleached white flour. The Examiner further asserts that Western Communion Hosts also discloses in an interactive response, that the Catholic Church requires such bread to be made of wheat only and thereby establishes the need for a gluten-free altar bread.

The Examiner turns to U.S. Patent No. 3,836,680 which teaches a paste for forming pastas that is said to be substantially free of glutens that is made using ungelatinized starch, gelatinized starch and an emulsifier. The Examiner asserts that a person of ordinary skill in the art would be motivated to use the Salza gluten-free pasta ingredients in modifying Western Communion Hosts to produce a communion bread product suitable for individuals who suffer from gluten intolerance. The Examiner notes that Salza teaches between 52 to 64, and preferably 57 to 59 parts by weight of water being used for every 100 parts by weight of starch of the total amount of starch. The Examiner noting that a Communion host comprises a thin wafer, argues

that one of ordinary skill in the art would have been motivated to vary the amount of starch mixture and baking time depending on the size of the final product desired.

Examiner further turns to U.S. Patent No. 4,042,719 (Zimmermann et al) regarding heating the wafer between two heated plates. The Examiner asserts that one of ordinary skill in the art would have been motivated to modify the combination of Western Communion Hosts and Salza to employ the waffle-iron apparatus taught by Zimmerman in example 16 to prepare a product with the same characteristics of the gluten-containing counterpart.

- Applicants' Response

Applicant thanks the Examiner for the helpful comments set forth in the Office Action, but respectfully traverses the Examiner's rejection of claim 21 over "Western Communion Hosts" in view of Salza and further in view of Zimmermann on the basis that one of ordinary skill in the art when reviewing the references in light of the entirety of claims would not find the same obvious.

The three references neither teach or suggest, separately or together, the amount of water said to be used in forming the water-starch mixture. In fact, they suggest using substantially less water (see, gluten-free recipe at p. 6 of Western Communion Hosts, and col. 2, ln. 18-20 of Salza). The Examiner citation to col. 2, ln. 18 - 20 of Salza, is actually incongruous, as it indicates the pasta mix should comprise only 52 to 64 parts of water to the 100 parts by weight of the total amount of starch, not an approximately equal part of water to the homogenous starch mixture. Thus, the amount of water said to be used in forming the water-starch mixture is also very different. On page 4 of the office action, the Examiner further asserts "Salza discloses that the proportions of water to starch depend on the consistency of the final product (Col. 2 lines 11-14 [Salza])." The applicants assert that the reference is taken out of context. Salza in the previous and adjoining sentence, shown in bold below, teaches the requirement for the monoglyceride (emulsifier):

"The proportion of said monoglycerides ranges from 0.8 to 1.2 (preferably 1.0) parts by weight of the total starch used. The proportion of water depends on the consistency which is

to be conferred to the mass during its extrusion in view of the type of alimentary paste which has to be produced.”

Accordingly when viewed in context, Salza explicitly teaches the emulsifier requirement needed with the proportion of water. Accordingly, one of ordinary skill in the art sees that Salza does not solve the problem but instead teaching away from the Claim 21 by requiring the use of a forbidden substance.

In summary, Western Communion Hosts discusses only the use of whole wheat flour and unbleached wheat flour. There is nothing said about using a wheat starch which is a gluten free starch product derived from wheat flour (see, e.g. http://www.arvandtec.com/cn/App_starch_03.html). Western Communion Hosts also talks nothing about pre-gelatinized wheat starch, with pre-gelatinization involving a process that breaks down the intermolecular bonds of starch molecules in the presence of water and heat, allowing the hydrogen bonding sites (the hydroxyl hydrogen and oxygen) to engage more water (see, e.g., http://en.wikipedia.org/wiki/Starch_gelatinization). While Salza discusses use of ungelatinized starch and gelatinized starch, it only references the use of the same in making paste-like products through extrusion such as pasta, spaghetti, macaroni, rigatoni (See, col. 1, ln. 44-48 of issued U.S. Patent No. 3,836,680) and certainly not wafers or hosts (and certainly not without use of an emulsifier/monglyceride). Finally neither of the references disclose the proportion of water to starch.

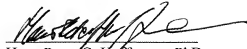
Accordingly, Applicants assert that the teachings of “Western Communion Hosts” in view of the Salza reference and further in view of the Zimmermann reference does not in any way form a *prima facie* case of obviousness. Therefore, Applicants assert that the Claim 21 is patentable under 35 U.S.C. §103(a), and respectfully request withdrawal of the rejection. Finally, neither of the three references separately or together suggest the use of two unhinged plates for heating.

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner’s Office Action dated June 8, 2011. In view of the arguments presented, Applicants respectfully seek early allowance of the pending claims.

Dated: September 8, 2011

Respectfully Submitted,



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VI. APPENDIX

- *No Appendix Included in this Response.*